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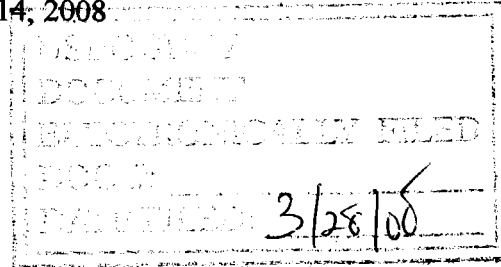
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERALANDREW M. CUOMO
ATTORNEY GENERALCRIMINAL DIVISION
FEDERAL HABEAS CORPUS SECTION

MEMO ENDORSED

March 14, 2008

VIA FACSIMILE AND U.S. MAIL

Honorable Debra Freeman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 525
New York, NY 10007



Re: Pedro Cruz v. Robert Ercole,
07 Civ. 9868 (RJH)(DF)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced habeas corpus proceeding. I respectfully request an extension of time to respond to the petition for a writ of habeas corpus from March 24, 2008 to May 23, 2008.

In Your Honor's Order dated January 23, 2008, you ordered that my office file its response by March 24, 2008. Although a copy of the record in this case has been made available, our office has not yet received the transcripts. I am respectfully requesting an extension of time so that I may obtain and review the transcripts and prepare a thorough response to the petition. Although I am requesting an extension to May 23, 2008, I will make every effort to file my response before that time. This is my first request for an extension.

I thank the Court for its consideration to this matter.

The requested extension is granted. Petitioner shall have and file reply papers, if any, no later than June 23, 2008.

Respectfully submitted,

Priscilla Steward
Assistant Attorney General
Federal Habeas Corpus Section
(212) 416-8737

SO ORDERED: DATE: 3/20/08

DEBRA FREEMAN

UNITED STATES MAGISTRATE JUDGE

cc: Pedro Cruz
05-A-2229
Green Haven Correctional Facility
Stormville, New York 12582